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CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 203

Introduced by Assembly Member Brownley
(Coauthor: Senator Alquist)

January 27, 2011

An act to amend Sections 53300 and 53302 of, and to add Sections 53300.5, 53304, and 53305 to, the Education Code, relating to school intervention.

LEGISLATIVE COUNSEL'S DIGEST

AB 203, as amended, Brownley. Public schools: parent empowerment: school intervention.

Existing law requires a local educational agency to implement one of several specified interventions for a school not identified as a persistently lowest-achieving school that, after one full school year, fails to meet specified criteria and has a specified percentage of parents and legal guardians of pupils sign a petition requesting the local educational agency to implement at least one of 5 specified interventions. Existing law requires a local educational agency to implement the intervention option requested by the petition unless the agency makes a specified finding in a regularly scheduled public

hearing. Existing law limits the number of schools subject to a petition pursuant to these provisions to 75.

This bill would require interventions to be implemented also for a school that is identified as persistently lowest-achieving but does not receive specified school improvement grant funding. The bill would require a governing board of a local educational agency to allow parents and legal guardians to provide testimony at the regularly scheduled public hearing. To the extent these provisions would impose additional duties on local educational agencies, the bill would impose a state-mandated local program.

The bill would prohibit more than one parent or legal guardian per pupil from signing a petition, and would require the parent empowerment petition, and, if the petition includes a specific charter school operator, a summary of the charter petition, to meet specified language requirements. The bill would require ~~that~~, if the petition includes a specific charter school operator, that the charter petition summary include specified elements. The bill would require that, if paid signature gatherers are being used, the petition include a statement indicating this, and would prohibit signature gatherers from being paid per signature. The bill would require all parties involved in the signature gathering process to adhere to specified school procedures. The bill would require the State Department of Education to provide specified information on its Internet Web site, in easy to understand terms, regarding the petition process, the 5 intervention options that parents and legal guardians may request, and a sample petition that meets specified requirements. The bill also would make clarifying changes to, and provide definitions for, those intervention petition provisions.

The bill would require the schoolsite council at each school that is eligible for a petition to be submitted pursuant to these provisions to provide, at its next scheduled meeting, or a meeting within 90 days, whichever is sooner, information regarding the petition process, including the intervention options available and the process for submitting a petition. By imposing new duties on school districts, this bill would impose a state-mandated local program.

The bill would require the department, within 90 days after the Superintendent of *Public Instruction* and ~~state board~~ *State Board of Education* have received 75 petitions, to submit a report to the appropriate policy and fiscal committees of the Legislature, the Governor, and the state board, that includes specified information relating to the implementation of these school interventions.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. It is the intent of the Legislature to provide parents
2 with adequate information to make an informed decision on
3 whether to sign a petition or initiate a petition pursuant to Article
4 3 (commencing with Section 53300) of Chapter 18 of Part 28 of
5 Division 4 of Title 2 of the Education Code. It is further the intent
6 of the Legislature that local governing boards with schools that
7 are eligible for the parent empowerment program, at a regularly
8 scheduled meeting, ~~to~~ provide information on the parent
9 empowerment program, such as a description of the intervention
10 models, the petition process, and responsibilities of the school,
11 parents, and organizations that are initiating and signing the
12 petition, and ~~to~~ allow parents to provide testimony on the program
13 and intervention models.

14 SEC. 2. Section 53300 of the Education Code is amended to
15 read:

16 53300. (a) (1) For any school that is not identified as a
17 persistently lowest achieving school, or is identified as a
18 persistently lowest achieving school but does not receive funding
19 under the federal School Improvement Grant Program pursuant to
20 Section 6303 of Title 20 of the United States Code, that, after one
21 full school year of corrective action pursuant to paragraph (7) of
22 Section 1116(b) of the federal Elementary and Secondary
23 Education Act (20 U.S.C. Sec. 6301 et seq.), continues to fail to
24 make adequate yearly progress, and has an Academic Performance
25 Index score of less than 800, and where at least one-half of the
26 parents or legal guardians of pupils attending the school, or a
27 combination of at least one-half of the parents or legal guardians
28 of pupils attending the school and the elementary or middle schools

1 that normally matriculate into a middle or high school, as
2 applicable, sign a petition requesting the local educational agency
3 to implement one or more of the four interventions identified
4 pursuant to paragraphs (1) to (4), inclusive, of subdivision (a) of
5 Section 53202 or the federally mandated alternative governance
6 arrangement pursuant to Section 1116(b)(8)(B)(v) of the federal
7 Elementary and Secondary Education Act (20 U.S.C. Sec. 6301
8 et seq.), the local educational agency shall implement the option
9 requested by the parents and legal guardians unless, in a regularly
10 scheduled public hearing, the local educational agency makes a
11 finding in writing stating the reason it cannot implement the
12 specific recommended option and instead designates in writing
13 which of the other options described in this section it will
14 implement in the subsequent school year consistent with
15 requirements specified in federal regulations and guidelines for
16 schools subject to restructuring under Section 1116(b)(8) of the
17 federal Elementary and Secondary Education Act (20 U.S.C. Sec.
18 6301 et seq.) and regulations and guidelines for the four
19 interventions identified pursuant to paragraphs (1) to (4), inclusive,
20 of subdivision (a) of Section 53202.

21 (2) At the regularly scheduled public hearing required pursuant
22 to paragraph (1), the governing board of a local educational agency
23 shall allow parents and legal guardians to provide testimony
24 regarding the petition or the written findings.

25 (b) For purposes of this article, both of the following
26 requirements shall apply:

27 (1) The parent empowerment petition, and, if the petition
28 includes a specific charter school operator, a summary of the
29 charter petition, shall meet the language requirements of Section
30 48985.

31 (2) If a petition includes a specific charter school operator, the
32 charter petition summary shall include, but is not limited to, a
33 summary of the charter elements described in paragraph (5) of
34 subdivision (b) of Section 47605.

35 (c) All of the following shall apply with respect to petition
36 signatures:

37 (1) No more than one parent or legal guardian per pupil may
38 sign a petition.

39 (2) A petition that includes signatures of parents or legal
40 guardians of pupils attending elementary or middle schools that

1 normally matriculate into a middle or high school shall include
2 signatures of parents or legal guardians representing at least 35
3 percent of pupils attending the school for which the petition is
4 submitted.

5 (3) Signatures shall be verified by the district of the school for
6 which the petition is submitted and, if applicable, the district of
7 the elementary or middle schools that normally matriculate into a
8 middle or high school, using common verification documents that
9 contain parent or guardian signatures effective on the date the
10 petition is submitted.

11 (4) (A) If paid signature gatherers are being used, the petition
12 shall include a statement indicating that some signature gatherers
13 may be paid, and the individual being requested to sign a petition
14 may ask the signature gatherer if he or she is being paid to collect
15 signatures. If asked, signature gatherers shall disclose whether
16 they are being paid to collect signatures.

17 (B) Signature gatherers shall not be paid per signature.

18 (5) All parties involved in the signature gathering process shall
19 adhere to all schoolsite hours of operation, school and local
20 educational agency safety policies, and visitor sign-in procedures.

21 SEC. 3. Section 53300.5 is added to the Education Code, to
22 read:

23 53300.5. (a) When the list of schools eligible for a parent
24 empowerment petition is made available by the department, the
25 schoolsite council at each of those schools shall provide, at its next
26 scheduled meeting, or at a meeting within 90 days, whichever is
27 sooner, information regarding the parent empowerment petition
28 process, including the intervention options available to parents
29 and legal guardians and the process for submitting a petition.

30 (b) A local educational agency shall include, in the notice of
31 restructuring planning or restructuring status pursuant to Section
32 1116(b)(1)(E) of the federal Elementary and Secondary Education
33 Act of 2001 (20 U.S.C. Sec. 6301 et seq.), a notice that the
34 schoolsite council at a school that has been identified as eligible
35 for a parent empowerment petition is required to hold an
36 informational meeting on the parent empowerment petition process,
37 pursuant to subdivision (a).

38 SEC. 4. Section 53302 of the Education Code is amended to
39 read:

1 53302. (a) No more than 75 schools shall be subject to a
2 petition authorized by this article.

3 (b) A petition shall be counted toward this limit upon the
4 Superintendent and state board receiving notice from the local
5 educational agency of its final disposition of the petition.

6 (c) Within 90 days after the Superintendent and the state board
7 receive 75 petitions pursuant to subdivision (a), the department
8 shall submit a report to the appropriate policy and fiscal committees
9 of the Legislature, the Governor, and the state board that includes
10 information on the schools that implemented interventions pursuant
11 to this article and the types of interventions implemented at the
12 schools.

13 SEC. 5. Section 53304 is added to the Education Code, to read:
14 53304. The department shall provide all of the following, in
15 easy to understand terms, on its Internet Web site:

16 (a) Information regarding the petition process authorized
17 pursuant to this article and the five intervention options referenced
18 in Section 53300 that parents and legal guardians may request.

19 (b) A sample petition that can be used by interested petitioners.
20 The sample petition shall be available in ~~other languages pursuant~~
21 ~~to Section 48985~~ *English and the five most common languages*
22 *other than English, according to the department's Clearinghouse*
23 *for Multilingual Documents*. Petitioners shall not be required to
24 use the sample petition, but alternate petitions shall contain all
25 components required by law.

26 SEC. 6. Section 53305 is added to the Education Code, to read:
27 53305. For purposes of this article, the following terms have
28 the following meanings:

29 (a) "Parents or legal guardians" means the natural or adoptive
30 parents, legal guardians, or other persons holding the right to make
31 educational decisions for the pupil pursuant to Section 56028 or
32 56055, or Section 361 or 727 of the Welfare and Institutions Code,
33 including, but not limited to, foster parents who hold rights to
34 make educational decisions on the date the petition is submitted.

35 (b) "A combination of at least one-half of the parents or legal
36 guardians of pupils attending the school and the elementary or
37 middle schools that normally matriculate into a middle or high
38 school, as applicable" means one-half of the total number of parents
39 and legal guardians of pupils who attend any of the following:

40 (1) The school for which the petition is submitted.

1 (2) An elementary or middle school that normally matriculates
2 into the middle or high school for which a petition is submitted,
3 as applicable.

4 SEC. 7. If the Commission on State Mandates determines that
5 this act contains costs mandated by the state, reimbursement to
6 local agencies and school districts for those costs shall be made
7 pursuant to Part 7 (commencing with Section 17500) of Division
8 4 of Title 2 of the Government Code.

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